

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD E. BOYD,	)	
	)	Civil Action No. 10 – 1492
Plaintiff,	)	
	)	Chief District Judge Gary L. Lancaster
v.	)	
	)	Magistrate Judge Lisa Pupo Lenihan
GOVERNOR EDWARD RENDELL,	)	
	)	
Defendant.	)	
	)	
	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on November 8, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On November 30, 2010, the magistrate judge filed a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief may be granted (ECF No. 6). Plaintiff filed Objections to the Report and Recommendation on December 22, 2010 (ECF Nos. 8&9). Plaintiff's Objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 27<sup>th</sup> day of December, 2010;

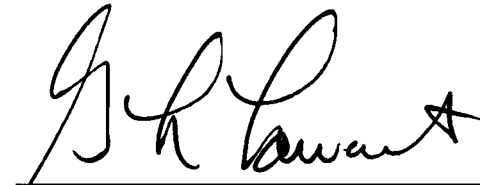
**IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted.

**IT IS FURTHER ORDERED** that the Report and Recommendation dated November 30, 2010 (ECF. No. 6) , is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. L. Lancaster", with a stylized star or flourish at the end.

Gary L. Lancaster  
United States District Judge, Chief

cc: Richard E. Boyd, EP-5703  
S.C.I. Fayette  
Box 9999  
50 Overlook Drive  
LaBelle, PA 15450 - 0999